THE HON. SRI P. KAKKAN : (a) Yes, Sir.

(b) They have been allowed arrears of increment only from 28th January 1961, the date on which their services were ordered to be regularized.

SRI G. KRISHNAMOORTHY : Is it a fact, Sir, that their pay has not been fixed even though the Government Order was passed in January?

THE HON. SRI P. KAKKAN : I have no information. A separate question may be put.

SRI G. KRISHNAMOORTHY : As in the case of the eight attenders whose services were regularized in 1959, increment was given with retrospective effect under rule 23 (1) of the general rules, cannot the Government examine the question of just giving them retrospective increments in these 25 cases also?

THE HON. SRI P. KAKKAN : They are eligible for arrears of increment only from 28th January 1961, that is, from the date of the order. Though they can count their service from the date of regularization, for the purpose of increment, retrospective effect cannot be given.

SRI G. KRISHNAMOORTHY : My point is this, Sir. As in the case of the eight attenders, where the rules were relaxed and retrospective effect given for increments, cannot the Government re-examine the question and give them increments with retrospective effect?

THE HON. SRI P. KAKKAN : The Chief Engineer (Highways and Rural Works) has confirmed that the pay of the seven attenders has been fixed in the scale of pay applicable to posts (Rs. 55–1–70) consequent on the regularization of their services and that they have been allowed arrears from 28th January 1961.

SRI A. K. THANGAVEL MUDALIYAR : தலைவர் அவர்களே கேள்வியில் அட்டெண்டர் 'பனி' என்று போட்டிருக்கிறதே. அதன் அர்த்தம் என்னவென்று தெரியவில்லை.

MR. CHAIRMAN : It is only a spelling mistake.

Questions are over.

II.—GOVERNMENT BILLS.

(1) THE MADRAS CULTIVATING TENANTS' PROTECTION AND PAYMENT OF FAIR RENT (AMENDMENT) BILL, 1961 (L.A. BILL NO. 28 OF 1961).

THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, Sir, I move—

3–30 p.m.

"That the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill[a], 1961 (L.A. Bill No. 28 of 1961), as passed by the Assembly, be taken into consideration."

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[a] Printed as Appendix III on pages 332–335 infra.

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The provisions of the Madras Cultivating Tenants Protection Act, 1955 (Madras Act XXV of 1955), and the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Madras Act XXIV of 1956), were extended to Shencottah taluk of Tirunelveli district, by the Madras Cultivating Tenants Protection and Payment of Fair Rent (Extension to Shencottah Taluk) Act, 1959 (Madras Act No. 28 of 1959), with effect from 2nd March 1960. Certain difficulties have been experienced in the working of the Acts in Shencottah taluk. This Bill seeks to remove those difficulties. I shall now briefly explain the provisions of the Bill.

Sir, the Madras Cultivating Tenants Protection Act and the Madras Cultivating Tenants (Payment of Fair Rent) Act were respectively passed in 1955 and 1956. They were extended to Kanyakumari district with effect from 2nd March 1960. Thereafter certain anomalies were found in the Acts which were extended. Certain crucial dates are mentioned as regards the remission of rent, deposits of money in court and the resumption of land and the restoration of possession. For these, the dates were fixed two years in advance of the Act that was extended. With regard to arrears, section 3 (2) (*aa*) of Madras Act XXV of 1955 lays down that a cultivating tenant who at the commencement of that Act is in arrears with respect to the rent payable to the landlord and accrued due subsequent to 31st March 1954 and does not pay such rent within a month after such commencement or who in respect of rent payable to a landlord after such commencement does not pay such rent within a month after such rent becomes due, will not be entitled to protection from eviction. As the date of the commeneement of the Act, so far as Shencottah taluk is concerned, is 2nd March 1960, it is proposed to alter the date 31st March 1954 as 31st March 1959, for Shencottah taluk.

Now that date will not be suitable as this Act was extended to Shencottah taluk only with effect from 2nd March 1960. There the date is proposed to be altered from 31st March 1954 to 31st March 1959. Again with regard to making deposits under section 3 (3) (*a*), a cultivating tenant may deposit in court the rent accrued due subsequent to 31st March 1954. That date cannot be the crucial date since the Act came into force in Shencottah only on 2nd March 1960. So, that date has got to be altered to 31st March 1959. Similarly with regard to the cultivating tenant to be entitled to be restored to possession of any land which he held on 1st December 1953, there are certain restrictive provisions. Suppose he was in possession of land exceeding 6¾ acres there is a provision that right is limited if that person pays any tax, i.e., is attested to sales tax or provision tax. Now that limitation is set aside if he has paid two years before that crucial date. Now that the crucial date has been advanced to 2nd March 1960 we have to put back the period two years before 2nd March 1960. That will be 1957–58 and 1958–59 and not 1953–54 and 1954–55. So, in this way the dates have been sought to be suitably altered.

Also with regard to resumption with respect to the years 1954–55 and 1955–56, is ought to be 1957–58 and 1958–59. All these have arisen as the Act was extended to Shencottah taluk with effect from 2nd March 1960 only. These are the technical alterations that have become necessary on account of the extension of the Act to Shencottah taluk with effect from 2nd March 1960. There is nothing more.

MR. CHAIRMAN : Motion moved—

"That the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1961 (L.A. Bill No. 28 of 1961), as passed by the Assembly, be taken into consideration."

SRI L. S. KARAYALAR : Mr. Chairman, Sir, this is a belated acknowledgment by the Government of a mistake which they committed earlier in spite of forceful representation from both Mr. Balasubramanya Ayyar and myself at the time of the passing of this Act. Through this Amending Bill, only certain dates are being changed in view of the fact that the Act has been extended to Shencottah taluk very much earlier. The Act is being extended to Shencottah taluk very much later than when it came into force in Madras State itself. Anyway, I am glad the Government have come forward at least now to change the dates. It is only a Dates Bill. In between, they have also inserted another provision by which they say that the rules shall come into force immediately after the publication in the *Fort St. George Gazette*, and not after fourteen days of placing them on the table of both Houses. Anyway, this rather unusual step has become necessary to enforce the Act and rules, so that rules can come into force immediately the Act is passed. Mr. Chairman, it is five years since Shencottah taluk was integrated with Madras City, and we have some parts of Tiruttani added to it. We go on passing Acts; sometimes we adopt the original Travancore-Cochin Act; sometimes we make an amendment to that Act. They make an amendment and call it, 'kerala amendment'. Sometimes the Travancore-Cochin Act is completely repealed. Sometimes it is in force in Shencottah taluk as Madras Government want it. The sheet-anchor of integration is uniform laws throughout the State. We are having some Acts of Travancore-Cochin State for Kanyakumari and some for Shencottah. Why not appoint a high power committee to go into all these things and completely integrate all the laws of the State, be they for Shencottah, for Tiruttani and Kanyakumari, and make Madras State a real Tamil Nad? Thank you, Sir.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, these Acts are applied to these new districts. As Mr. Karayalar said, we pointed out at that time that these particular dates might be changed, and the Act applied accordingly. At the time when the Act was sought to be applied to Kanyakumari and Shencottah, we pointed out that dates might have to be altered suitably. Then' it was mentioned,' We could see later '. Therefore, the difficulty

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has arisen. I would request the Government to examine thoroughly all the provisions before extending these Acts and to see if they require modifications. What about Kanyakumari district?

THE HON. SRI M. A. MANICKAVELU: They are of different tenure.

SRI K. BALASUBRAMANYA AYYAR: I again request the Government, before they extend the Act, to examine all provisions and also these tenures and modify the Act suitably and then apply. That will be easier than applying it first and afterwards creating difficulties, or petitioning the Revenue Divisional Officer. All this causes inconvenience. Otherwise, it is alright.

* THE HON. SRI M. A. MANICKAVELU: Sir, I may say that I am also not happy over the situation by which I have to bring in as Amending Bill like this. The matter ought to have been foreseen and rectified then and there. I think it was pointed out in the Council then that the Bill would habe to go back to the Assembly. That was the difficulty. Now it has not only to go back, but it has to emanate there and then come here. The situation is more complicated now. I do not know how it did not catch our imagination then. Anyway it has happened. I request that the Bill be taken into consideration. 3.40 p.m.

MR. CHAIRMAN: The question is—

"That the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1961 (L.A. Bill No. 28 of 1961), as passed by the Assembly, be taken into consideration.

The motion was put and carried and the Bill was taken into consideration.

Clauses 2, 3 and 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU: Sir, I move—

"That the Madras Cultivating Tenants' Protection and Payment of Fair Rent (Amendment) Bill, 1961 (L.A. Bill No. 28 of 1961), as passed by the Assembly, be passed."

MR. CHAIRMAN: The question is—

"That the Madras Cultivating Tenants Protection and Payment of Fair Rent (Amendment) Bill, 1961 (L.A. Bill No. 28 of 1961), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

(2) THE MADRAS TENANTS AND RYOTS PROTECTION (AMENDMENT) BILL, 1961 (L.A. BILL NO. 29 OF 1961).

* THE HON. SRI M. A. MANICKAVELU: Sir, I move—

"That the Madras Tenants and Ryots Protection (Amendment) Bill[a], 1961 (L.A. Bill No. 29 of 1961), as passed by the

[a] Printed as Appendix IV on page 335 infra.